

UNITED STATE DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

THE BANK OF NEW YORK MELLON,

Plaintiff,

Case No. 14-14526

v.

Hon. John Corbett O'Meara

JOHN SNEAD, *et al.*,

Defendants,

and

USIR N. EL BEY F.K.A. JOHN SNEAD,

Counter-Plaintiff,

v.

THE BANK OF NEW YORK MELLON,

Counter-Defendant.

**ORDER DENYING
MOTION FOR CLARIFICATION**

Before the court is Usir N. El Bey's motion for clarification. He is seeking clarification of the Sixth Circuit's August 20, 2015 order denying his application to proceed *in forma pauperis* on appeal. This matter is pending before the Court of Appeals for the Sixth Circuit; therefore, this court lacks jurisdiction to consider El Bey's motion. See Dunham v. U. S., 486 F.3d 931, 935 (6th Cir. 2007) ("The

traditional rule is that ‘a timely appeal divests the district court of jurisdiction to reconsider its judgment until the case is remanded by the Court of Appeals.’”). El Bey may re-file his motion with the Sixth Circuit.

IT IS HEREBY ORDERED that El Bey’s motion for clarification is
DENIED.

s/John Corbett O’Meara
United States District Judge

Date: September 10, 2015

I hereby certify that a copy of the foregoing document was served upon the parties of record on this date, September 10, 2015, using the ECF system and/or ordinary mail.

s/William Barkholz
Case Manager